

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

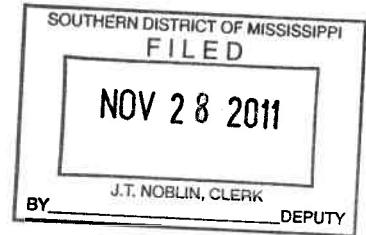
FREDNA STEWART,

Plaintiff,

vs.

WAL-MART STORES EAST, LP

Defendant.



CASE NO. 11cv454 LG-JMR

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

Defendant, WAL-MART STORES EAST, L.P. ("Wal-Mart"), gives notice pursuant to 28 U.S.C. §§ 1441 and 1446 that this cause is hereby removed from the County Court of Jackson County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division. As grounds for this removal, Defendant shows as follows:

1. An action was commenced against Wal-Mart in the County Court of Jackson

County, Mississippi, entitled "*Fredna Stewart, Plaintiff v. Wal-Mart Stores east, LP, Defendant*," Civil Action No. CO2011-21807. The complaint attached hereto as "Exhibit A" was served upon Defendant in this action.

2. According to the County Clerk's office for the County Court of Jackson County, Mississippi, service of the initial pleading setting forth Plaintiff's claim for relief was effected upon Wal-Mart on October 28, 2011, which was Wal-Mart's first actual notice of this action.

3. This notice of removal is filed in the United States District Court for the Southern District of Mississippi, Southern Division, within thirty days after the receipt by Wal-Mart of the

initial pleading setting forth the claim for relief upon which such action or proceeding is based in accordance with 28 U.S.C. § 1446 (b). The County Court of Jackson County, Mississippi, is within this Court's district and division; therefore, this action is properly removable to this Court under 28 U.S.C. §§ 1441 (a) and (b).

4. This Court has diversity jurisdiction over this matter pursuant to the provisions of 28 U.S.C. § 1332 since the parties are diverse and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

5. Plaintiff is now and at all times material hereto, including at the time of the commencement of this action and this Notice of Removal, a citizen of the state of Mississippi. In her Complaint, Plaintiff states that she is a resident of Mississippi. (Complaint, ¶ I.) Defendant, Wal-Mart Stores East, LP, is now, and was at the time of the commencement of this action, a limited partnership organized under the laws of the state of Delaware with its principal place of business in the state of Arkansas. WSE Management, LLC is the general partner and WSE Investment, LLC is the limited partner of Wal-Mart Stores East, LP. WSE Management, LLC is incorporated in Delaware with its principal place of business in Arkansas. WSE Investment, LLC is incorporated in Delaware with its principal place of business in Arkansas.

6. Plaintiff's Complaint alleges, "Because of the gross negligence of the Defendant herein which among other things constitutes an independent tort, Plaintiff is entitled to recover punitive or exemplary damages against said Defendant to deter them from such oppressive and reckless conduct in the future", and seeks unspecified compensatory and punitive damages against the Defendant for personal injuries (Complaint, ¶¶ X and XII.).

7. This action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, as amended, because this action is a civil action of which the United States District Courts have original jurisdiction under 28 U.S.C. § 1332.

8. Pursuant to 28 U.S.C. §1446 (d), a true and correct copy of this Notice of Removal is filed with the Clerk of the County Court of Jackson County, Mississippi, and a written notice of this removal has been served on all adverse parties as required by law.

9. If any questions arise as to the propriety of the removal of this action, Wal-Mart requests the opportunity to present a brief and oral argument in support of its position that this cause is removable.

Respectfully submitted this 23rd day of November, 2011.



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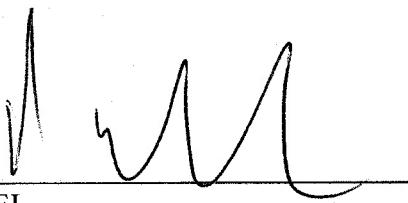
OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day November 23, 2011, served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed.

James K. Wetzel
James K. Wetzel & Associates
P. O. Box I
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OF COUNSEL